

REMARKS

Claims 3, 4, 7-10, 12, and 14-22 are currently pending in the application. With claims 3, 4, 7, 9, 12, 14, 15, 18, 19, 21 and 22 being independent. Claims 3, 4, 7, 8, 12, 15, and 18 have been amended to better define aspects of the present invention. New claim 22 has been added to define additional aspects of the invention. Claims 1, 2, 5, 6, 11, and 13 have been canceled without prejudice or disclaimer of the subject matter therein.

Allowable Subject Matter

In the outstanding Office Action, the Examiner allowed claims 9, 10, and 14. The Examiner indicated that claims 3 and 7 were directed to allowable subject matter but were objected to as being dependent upon a rejected-based claim. Applicants thank the Examiner for the indication of allowable subject matter.

Applicants have rewritten claims 3 and 7 to include all of the features of their respective base claims. Applicants therefore respectfully request the Examiner to withdraw the objections to claims 3, 7, and 8.

Claim Rejections - USC §112

The Office Action indicated that claims 5 and 13 were rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter of

the invention. Specifically, the Office Action asserted that "a display style of the index image of the moving image being different from that of the index image of the moving image" was indefinite. Applicants have canceled claims 5 and 13 without prejudice or disclaimer thus rendering this rejection moot. Applicants note that the recitations of claim 5 incorporated into claim 7 have been properly amended to ensure the definiteness thereof.

Claim Rejections - 35 USC §102

The Office Action indicated that claims 1, 4, 5, 8, 11, 12, 13, and 15-21 are rejected under 35 USC §102(e) as being anticipated by USP 6,738,075 to Torres et al. ("Torres"). Applicants submit that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse this rejection.

Regarding claims 4 and 12, Torres merely discloses a digital capturing and reproduction apparatus which can display a variety of media types, such as still images, video, and audio. (See column 2, lines 37-45.) After media objects are created and stored, the user may view the media objects by switching the camera to play mode or review mode. In play mode, the camera allows the users to view full screen images on the display screen (140) and to view movies from the video. (See column 7, lines 13-20). In view mode,

the user may rapidly review the contents of the memory of the digital camera. In one embodiment, the display screen (140) displays a plurality of objects cells (300) whereby the user may navigate through a series of these displayed cells on the display screen (140) using the four-way navigation (200) (column 7, lines 32-40; Figure 4). Each object cell (300) uses an image area (304) and an icon/information area (306). In the case of a still image, the image area (304) of an object cell displays a thumbnail of the media object which is a small low-resolution version of the image.

In the case of sequential images and moving segments, the image area (304) of object cell (300) displays a representative thumbnail or frame from the image sequence or video respectively, typically the first one (column 7, lines 46-54). As shown in Figure 4b, another embodiment displays four thumbnail images at a time, the user may navigate through a series of displayed thumbnails on the display screen (140) using the four-way navigation control (200). When a thumbnail (350) becomes the active media object (302), the media type icons corresponding to that media object are automatically displayed in the icon information area (306) along with a large thumbnail (354). (See column 8, lines 5-27.)

Conversely, Torres fails to disclose, at least, "a second display that consecutively and repeatedly previews some frames of a moving image on the image monitor when the file selected by said

selecting device contains image data of the moving image," as recited in claims 4 and 12.

Torres is clearly distinguishable from the subject matter of claims 4 and 12 in that Torres merely discloses consecutively displaying frames when the video is played back. (See column 7, lines 18-21.) In doing so, all of the frames of the video are displayed and when previewing a video, Torres only discloses a representative thumbnail or frame from the image sequence or video (column 7, lines 52-54). Torres fails to disclose previewing some frames as a moving image as recited in claims 4 and 12.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of claims 4 and 12.

Regarding claim 15, as presented above in the arguments for the allowability of claims 4 and 12, Torres merely discloses displaying all of the frames of a video sequence when the video is presented in playback mode. (See column 7, lines 18-21.) When in preview mode, Torres only discloses displaying a representative single thumbnail or frame from the image sequence or video, respectively, typically the first one (see column 7, lines 52-54.)

Conversely, Torres fails to disclose, at least, "a first display that displays some of the frames comprising the moving image as multi-images, wherein the multi-images are index images of the moving image," as recited in claim 15.

Because Torres merely discloses displaying a single thumbnail or frame from an image sequence or video, Torres is clearly distinguishable from the subject matter recited in claim 15.

Accordingly, Applicants respectfully request the Examiner to withdraw the \$102 rejection of claim 15. Claims 16 and 17 depend from claim 15, and are allowable by virtue of their dependency from allowable claim 15.

Regarding claim 18, as presented in the arguments for the allowability of the claims provided above, Torres displays a representative thumbnail or frame from an image sequence or video. Torres further discloses distinguishing from a variety of media types by using a representative icon which is displayed along with the representative frame of the moving image. This icon includes a graphic depicting a segment of moving film to represent a video segment. (See column 6, lines 39-44; Figure 3 and Figure 4a.)

Conversely, Torres fails to disclose, at least, "a first display that displays an image related to a moving image on the image monitor when the file selected by the selecting device contains image data of the moving image, wherein the image is presented in a dynamic manner...," as recited in claim 18.

(Emphasis added.)

Torres is clearly distinguished by the subject matter recited in claim 18 in that Torres merely uses a static graphic to indicate that the media type stored represents a video segment.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 18.

Regarding claims 19 and 21, Torres merely discloses an image reproduction apparatus that stores images and video files with their associated sound data (column 7, lines 5-11). When in play mode, the camera allows the user to view images and video along with the recorded sounds associated with the displayed data (column 7, lines 13-21).

Conversely, Torres fails to disclose, at least, "a choosing device, that chooses between image reproduction with the sound and image reproduction without the sound," as recited in claims 19 and 21.

Torres is clearly distinguished by the subject matter of claims 19 and 21 in that Torres merely discloses a hybrid digital video camera which is capable of capturing images with or without sound (column 1, lines 51-53). Torres fails to disclose an apparatus which chooses image reproduction (which includes both still and moving images) with sound and image reproduction without sound, wherein the image data (either still or moving) was originally stored with its associated sound data. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 19-21.

Claim 20 depends from claim 19 and is allowable by virtue of its dependency from allowable claim 19.

Claim Rejections - 35 USC §103

The Office Action indicated that claims 2 and 6 were rejected under 35 USC §103(a) as being unpatentable over Torres in view of USP 5,917,488 to Anderson ("Anderson").

Claims 2 and 6 have been cancelled without prejudice or disclaimer, thus rendering the §103 rejection of these claims moot.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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